

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

APR 16 2018

Clerk, U.S. District Court
Texas Eastern

JASON LEE VAN DYKE,
Plaintiff,

v.

**CASE NO. 4:18-CV-00247-ALM-
CAN**

THOMAS RETZLAFF,
Defendant.

Defendant's Motion to Reconsider Denial of ECF Access (dkt # 11)

1. Plaintiff is Jason Lee Van Dyke; defendant is Thomas Retzlaff.
2. On April 10, 2018, Retzlaff requested permission to have ECF filing access. The Court denied that. Retzlaff would argue that this is a violation of Retzlaff's fundamental right to Due Process and Equal Protection because, while the Court and the clerk's office have given the pro se plaintiff ECF filing access, y'all won't give it to Retzlaff.
3. This places the defendant at an unfair disadvantage. Retzlaff lives in Phoenix. It takes about seven days for mail to get from there to your courthouse in Sherman, Texas, because it would be ridiculous to be sending stuff via overnight express mail.

4. Plus, there is the cost of printing and for ink and postage – not insignificant for this *pro se* defendant. Additionally, if there is any problem with a document that would cause a clerk to reject it due to format or form, how is Retzlaff supposed to know and be able to correct it timely without ECF filing access?

5. Then there is the danger of lost or delayed mail. You guys know that the post office screws up all the time. This forces the defendant to be constantly calling the clerk's office – several times a day – to check and see if his stuff was received and properly filed! And Retzlaff will do exactly that because he is being sued for \$100 million by a crazy person and he has no choice but to take this lawsuit seriously! If stuff gets delayed by the post office or whatever, there will be endless motions for extension of time and stuff like that as I absolutely won't allow this case to be lost on account of some screw up in the clerk's office or the postal system.

6. Electronic filing eliminates that, and it allows a party to file any time of the day or night, from any location on the planet. Plus, it eliminates the hassle factor of someone in the clerk's office being forced to sit around scanning Retzlaff's documents all day long – which costs the taxpayers a bunch of money.

7. I understand that this is just another one of those *pro se* cases which causes the court and clerks so many headaches and hassles, and which you guys totally do not care about. But this case is important to me and I would point out that I am not the guy who filed this lawsuit – I am the defendant and, as such, I have fundamental Constitutional rights to Due Process and Equal Protection, which includes (I would argue) the right to ECF filing access. Again, y'all have given Van Dyke ECF filing access, but not me. That gives Van Dyke an unfair advantage. Please reconsider your decision.

Respectfully submitted,



Thomas Retzlaff
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DEFENDANT, PRO SE

CERTIFICATE OF SERVICE

I certify that on April 11, 2018, a copy of this document was served upon plaintiff via 1st class US Mail at his residence of:

Jason L. Van Dyke, 108 Durango Dr., Aubrey, TX 76227.



Thomas Retzlaff